IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 292 OF 1970

Babulal Prahladrai Nemani
and another. ... Plaintiffs.

V/s.

Thakersidas Bhadarmal Nemani
and others. ... Defendants.

Plaintiff Nos.1(2) & 1(3) in person.

CORAM: V.C.DAGA, J.

DATED: 15th January 2008.

P.C.:

. On 29th October, 2007, a conditional order was passed by this Court. Para-2 of the said order reads as under:

> "2. The plaintiff is granted time to file affidavit of evidence and documents on or before 28th November 2007 failing which the suit to stand dismissed for non prosecution without further reference to the Court. If steps are taken in time, the suit be listed on 30th November 2007 under caption "for admission/denial of document".

2. In the above view of the matter, since no affidavit of evidence or documents are filed on record, the aforesaid order has operated being a self-operative order. Consequently the suit has already stood dismissed for non-compliance of the aforesaid order.

3. Today, the plaintiffs, who were present in person in the Court, tried to file documents along with list of documents. However, since the aforesaid order dated 29th October, 2007 has already been operated the same cannot be taken on record.

4. The suit be treated as dismissed.

(V.C.DAGA, J.)